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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/719,070 | 12/07/2000 | Max Hamberg | 4925-98PUS | 4634 |

27799 7590 08/26/2004

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EXAMINER

D AGOSTA, STEPHEN M

| ART UNIT | PAPER NUMBER |
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2683

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------|--|-------------------------------------|--|
| Advisory Action | Application No. 09/719,070 | Applicant(s) HAMBERG, MAX | |
| | Examiner Stephen M. D'Agosta | Art Unit 2683 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.


Claim(s) objected to: _____.

Claim(s) rejected: 1-20.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: the examiner's previous rejection still stands and the arguments do not sway the examiner. 1) The applicant states that the examiner did not address their previous arguments and should therefore present another non-final action. The examiner disagrees since the applicant amended their claims and the examiner added new art (which makes the arguments moot). Hence no response was required since the scope of the claims changed. 2) The applicant argues the examiner has not made a prima facie case. The examiner disagrees since the rejection clearly shows relevant prior art, combinations of said prior art and motivation to combine. The prior art deals with wireless phone systems and SIM cards are well known in the art. Since Veloso explicitly states use of SIM cards in a wireless system to store data said SIM card as well as communication to landline system (as disclosed by Wiedegren), one skilled would also use Veloso's explicit SIM card teachings to ensure that Wiedegren's wireless phones used SIM cards for storage of data. 3) Malmstrom cures the deficiency of a "desired interface", as interpreted by the examiner. The action states that Malmstrom will select a desired interface (eg. RF system) based on the location of the user. Hence, one skilled would combine Wiedegren with Veloso and Malmstrom to overcome Wiedegren's deficiencies regarding the SIM card and desired interface. Put another way, the SIM card can store relevant data about proximate networks so that as the user roams, the SIM will be interrogated as to which desired system it should select for continued RF communications (as an example)..



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